

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

UNITED STATES OF AMERICA)	
)	NO. 2:19-CR-00010
v.)	
)	JUDGE CAMPBELL
GILBERT R. GHEARING)	MAGISTRATE JUDGE NEWBERN

UNITED STATES' MOTION FOR ORDER SETTING ARRAIGNMENT

The United States of America, through the United States Attorney for the Middle District of Tennessee, and Sarah K. Bogni and Juliet Aldridge, Assistant United States Attorneys, hereby moves the Court for an Order setting Arraignment in this matter. In support of such motion, the United States submits the following:

On September 7, 2022, the United States filed a Notice of Appeal. (DE# 153, Not. of Appeal). The appeal is docketed at the Sixth Circuit Court of Appeals at Case No. 22-5787, *United States v. Gilbert Ghearing*. On September 12, 2022, the Court entered an Order staying this matter pending resolution of the United States' appeal. (DE# 159).

On October 17, 2022, a Grand Jury returned a Superseding Indictment, charging Defendant with Counts One through Sixty-One of health care fraud under 18 U.S.C. § 1347 and drug distribution under 21 U.S.C. § 841(a)(1), and new charges at Counts Sixty-Two and Sixty-Three of obstruction under 18 U.S.C. § 1503 and 18 U.S.C. § 1519. (DE# 164).

On October 18, 2022, the United States filed a motion to admit evidence, and asked the Court to issue an indicative ruling stating that it would grant the motion if jurisdiction were returned. (DE# 166). On November 3, 2022, the Court granted the motion, stating that "once jurisdiction returns to the Court, the Court will grant the motion to admit evidence of Defendant's alleged alteration of medical records and continued obstructive conduct as evidence relevant to the

obstruction charges in Counts Sixty-Two and Sixty-Three of the Superseding Indictment, subject to the Rules of Evidence regarding expert testimony, authentication, hearsay, etc.” (DE# 170).

On November 7, 2022, the United States moved the appellate court to remand the case to this Court. (App. Doc. 9). On January 10, 2023, the Sixth Circuit Court of Appeals granted the United States’ Motion to Remand, returning jurisdiction to the District Court. (App. Doc. 12-1, 13) (DE #173).

As of the date of this filing, the Defendant has not been arraigned on the Superseding Indictment. The United States therefore respectfully requests that the Court issue an Order setting Arraignment, and a trial date in this matter, as soon as practicable.

Respectfully submitted,

HENRY C. LEVENTIS
United States Attorney
Middle District of Tennessee

/s Sarah K. Bogni
SARAH K. BOGNI
JULIET ALDRIDGE
Assistant U.S. Attorneys
719 Church Street, Suite 3300
Nashville, Tennessee 37203
Telephone: (615) 736-5151
Fax: (615) 401-6626
Email: sarah.bogni@usdoj.gov

Counsel for the United States

CERTIFICATE OF THE SERVICE

I certify that a copy of the was served electronically, via ECF, this 11th day of January, 2023, upon the following:

Ronald W. Chapman II
1441 West Long Lake Road, Ste 310
Troy, Michigan 48098
248-644-6326
rwchapman@chapmanlawgroup.com

Meggan B. Sullivan
424 Church Street
Suite 2000
Nashville 37219
615-457-0449
msullivan@chapmanlawgroup.com

s/Sarah K Bogni
SARAH K. BOGNI
Assistant U.S. Attorney